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GOVERNOR

DEPARTMENT OF VETERANS AFFAIRS  
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KEN LUCAS  
COMMISSIONER

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[HTTP://VETERANS.KY.GOV/](http://veterans.ky.gov/)

September 9, 2010

Secretary Nikki R. Jackson  
Personnel Cabinet  
501 High Street  
Frankfort, Kentucky 40601

RE: Proposed Furlough Implementation for Kentucky Department of Veterans Affairs (KDVA)

Dear Secretary Jackson:

Please find enclosed, per the regulatory requirements set forth within 101 KAR 5:015E, the KDVA proposed furlough implementation plan related to the mandated shut-down dates of November 12, 2010 and May 27, 2011 as well as the three non-designated months of October 2010, March and April 2011 for your review and approval. Enclosed within these documents are the following:

- The proposed manner of how furloughs will be applied to all employees, classified and unclassified.
- A specific request for flexibility with reference to furlough of selected Veterans Nursing Home staff and Cemetery Staff along with appropriate justification.
- Certifications that furloughs will be applied in compliance with the requirements established by 101 KAR 5:015E.

The following documents were submitted with the previously submitted Furlough Plan related to the September 3, 2010 mandated shut-down date:

- The designation of individuals responsible for the oversight and administration of these furloughs with enclosed designation forms.
- A copy of the sample notice that each employee will receive at least seven (7) days prior to any period of furlough.
- A copy of the sample waiver that an employee may submit in order to designate a mutually agreed upon day as a furlough day with less than the requisite seven (7) day notice.
- A copy of the sample notice to employees in job classifications approved for exception in which an alternate furlough date is designated.

If you have any questions regarding this material, the lead contact for the KDVA proposed furlough plan is Honor Barker at (502) 564-9203.

Sincerely,

Kenneth R. Lucas  
Commissioner

Enclosures as stated

**KENTUCKY DEPARTMENT OF VETERANS AFFAIRS**  
**FURLOUGH PLAN – FY 2011**

**I. APPLICATION OF FURLOUGH DATES**

**NOTE: this Plan addresses the state-designated shut-down days of November 12, 2010 and May 27, 2011 along with the three non-designated furlough periods of October 2010, March 2011, and April 2011. The state-designated shut-down day of September 3, 2010 was addressed in a previously submitted plan.**

The KDVA Plan complies with the mandatory shut-down days of November 12, 2010 and May 27, 2011 with the exception of select units within a Kentucky Veterans Center (nursing home) and state Veterans Cemeteries. On November 12, 2010 and May 27, 2011 all offices and facilities other than veterans nursing homes and veterans cemeteries will be closed and all employees, including any contract workers, of those offices will not report to work. Written notice has already been provided to each employee of these mandated dates, as previously certified to the Personnel Cabinet and reminder notices will be appropriately distributed near each date.

Determining the manner in which furlough hours will be applied throughout the Department was a daunting and difficult task in consideration of 24/7 operations in our long-term care facilities, and the residents of those facilities in need of care and for whom we are responsible to provide skilled nursing and quality of life services. Many discussions were held and a great deal of thought was put into implementation of this regulation and its applicability to all facets of our organization prior to formulation of our plan.

Furloughs will be applied in a standard manner throughout the Department with exception of those employed by a Kentucky Veterans Cemetery and those employed by a Veterans Nursing Home as 24/7 essential employees. While all KDVA employees are subject to furlough, flexibility will be afforded to those noted above in order to accomplish our mission which includes providing appropriate services at our four (4) veterans cemeteries on official dates of special recognition for veterans—Veterans Day and Memorial Day—as well as maintaining 24/7 operations and sufficient levels of quality care for the veteran residents of our three (3) veterans nursing homes.

Therefore, select units of our Kentucky Veterans Centers (Nursing Homes) employing individuals subject to 24/7 operations, shift hours, and whose workdays include holidays, are requesting flexibility in scheduling in order to ensure the life, safety, and health of our veteran residents as well as to maintain standards of care deserved by those residents, paid for by their families and in many cases required by law. Specifically, those select units involve Medical, Nursing, Dietary, Security, Maintenance, and Housekeeping/Laundry and involve approximately 550 employees (~75% of the agency).

For those nursing home employment units requiring an exception to the shut-down dates, the KDVA Plan proposes to implement the required furloughs in the following manner. Employees of the designated select units will be assigned a furlough day in accordance with one of the following options:

- On another regularly scheduled workday within the designated month with appropriate notice at least seven days in advance of the furlough date; or
- On an established workday upon which leave is properly requested by the employee and approved by the supervisor, when having properly waived the right to notice requirements prescribed by 101 KAR 5:015.

Most essential employees will be assigned a separate day to provide coverage for a furloughed co-worker. Coverage provided for employees requesting a furlough day in lieu of a regular leave day will be considered part of normal operations and thus not a reflection of additional cost. Though exact numbers are not yet known, most employees working to provide coverage for furloughed co-workers will be compensated by accrual of compensatory leave time.

In addition, on Memorial Day and Veterans Day each year, as well as the day preceding and the day following both of these occasions, employees of the Commonwealth's four Veterans Cemetery facilities diligently prepare for the ceremonies and many visitors and then work tirelessly to break down and return to normal operations thereafter. It is therefore necessary for the mandatory shut-down days of November 12, 2010 and May 27, 2011 to remain workdays for cemetery employees. The KDVA Plan proposes to instead furlough these 22 employees on another day in the same pay period.

The remainder of the KDVA workforce will observe furlough on the state-designated shut-down dates as scheduled. During non-designated furlough periods, these employees and cemetery staff will be given an opportunity to choose one of two dates approved by the Commissioner within the first pay periods each of: October 2010, March 2011 and April 2011.

KDVA will manage furloughs in compliance with the regulatory requirements and will provide notice to its employees of the furlough dates which are different from the shut-down dates.

The agency acknowledges the possibility that an emergency situation or exigent circumstance may result in an employee reporting to work during a scheduled furlough day. Such an instance may occur as a result of failure to report on part of an employee scheduled to work in lieu of a furloughed employee, or in the case of an emergency situation or unforeseen circumstance which cannot otherwise be managed. Such events are anticipated to potentially occur within one of the following job classifications: Commissioner, Deputy Commissioner, Network Analyst, OKVC Executive Director, facility Administrator, facility Assistant Administrator, Medical Director, Nurse Practitioner, and classifications associated with veterans cemetery operations or within the classifications series of Nursing, Maintenance, Security, or Housekeeping. The Appointing Authority designee for the respective organizational units will be responsible for verifying that such emergency or exigent circumstance existed on the particular furlough days impacted.

### **III. CONTRACT WORKERS**

KDVA certifies that applicable contract workers who are subject to a reduction of hours associated with the furlough plan shall have their hours reduced in the same manner as state employees during the non-designated months as described within this plan. Additionally, contract workers will not be used to work in lieu of, or to perform the duties of, a furloughed employee due to the furlough.

IV. REQUIRED CERTIFICATIONS

Please certify, by initial of Cabinet or Independent Agency head, that the statements are true:

We will not involuntarily furlough any employee more than twenty-four (24) work hours in a six (6) month calendar period, as provided in this subsection:

- Employees regularly assigned to a 40-hour work schedule shall be involuntarily furloughed no more than three (3) work days or twenty-four (24) work hours; and
- All remaining employees on different work schedules shall be involuntarily furloughed in a manner to achieve an equivalent reduction of hours and corresponding pay, which shall be set forth in the furlough plan provided by the Cabinet Secretary or Independent Agency head and approved by the Secretary of Personnel.

KP (INITIALS)

We will not involuntarily furlough any employee more than 20 percent of an employee's scheduled work hours in any one work week.

KP (INITIALS)

Employees will not be permitted to utilize accrued leave balances in lieu of a temporary reduction of hours without pay.

KP (INITIALS)

During the period of furlough, no contractor will receive either additional duties typically performed by a furloughed employee or work additional hours due to the furlough of a state employee.

KP (INITIALS)



## DEPARTMENT OF VETERANS AFFAIRS

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September 9, 2010

Nikki R. Jackson, Secretary  
Kentucky Personnel Cabinet  
3<sup>rd</sup> Floor, State Office Building  
Frankfort, Kentucky 40601

Dear Secretary Jackson:

This is a request for exception from 101 KAR 5:015E relating to state government employee furloughs with respect to implementation by the Kentucky Department of Veterans Affairs (KDVA). If approved, this exception would be applicable only to the portion of our workforce allotted to 24/7 operations within one of our three veterans nursing homes and customarily subject to work holidays, weekends, shift, and mandatory overtime assignments—specifically, Medical, Clinical, Nursing, Dietary, Maintenance, Security, and Housekeeping/Laundry—and staff of our four veterans cemeteries .

The Kentucky Department of Veterans Affairs employs an average of about 760 staff to serve the more than 339,000 veterans of our Commonwealth; 525 of whom reside within one of our three veteran nursing home facilities. In addition to the Office of the Commissioner, Human Resources Branch, and Veterans Benefits and Field Services Branch, the Department oversees and operates four Veterans Cemeteries along with three Veterans Centers (nursing homes).

### **Kentucky Veterans Cemeteries:**

- Kentucky Veterans Cemetery West (Hopkinsville/Christian County);
- Kentucky Veterans Cemetery Central (Radcliff/Hardin County);
- Kentucky Veterans Cemetery North (Williamstown/Grant County); and
- Kentucky Veterans Cemetery Northeast (Argillite/Greenup County).

**Kentucky Veterans Centers:**

- Thomson-Hood Veterans Center, Wilmore (Jessamine County);
- Paul E. Patton Eastern Kentucky Veterans Center, Hazard (Perry County); and
- Joseph Eddie Ballard Western Kentucky Veterans Center, Hanson (Hopkins County)

Collectively, the veterans centers make up nearly 90% of the Department and employ more than 700 individuals. Of those, more than 87% are vital to 24/7 operations and provide the quality of care and quality of life services deserved by our veteran residents. Those employed in administrative and support positions (those not subject to work standard holidays) will observe the standard furlough plan prescribed within 101 KAR 5:015E and will be furloughed on the state-designated shut-down dates. However, shutting down is not an option for our veterans nursing home facilities. Therefore, if approved, those 24/7 employees critical to the proper care and life, safety, and health of residents and employed within the units of Medical, Clinical, Nursing, Dietary, Security, Maintenance or Housekeeping/ Laundry will be afforded flexibility in scheduling furlough dates in order to maintain operational efficiency while still meeting the requirements of 101 KAR 5:015E. Employees assigned to one of these units will be furloughed on either a designated furlough date or on an alternate date during the designated month. The agency will assume responsibility for appropriate notification of affected employees.

An additional part of our mission is providing appropriate and dignified services at our four veterans cemeteries on official dates of special recognition for veterans—Veterans Day and Memorial Day. Therefore on these dates each year, as well as the day preceding and the day following both of these occasions, employees of the Commonwealth's four Veterans Cemetery facilities diligently prepare for the ceremonies and many visitors and then work tirelessly to break down and return to normal operations. It is therefore necessary for the mandatory shut-down days of November 12, 2010 and May 27, 2011 to remain workdays for cemetery employees. The KDVA Plan proposes to instead furlough these 22 employees on another day in the same pay period.

Your approval is respectfully requested and will be greatly appreciated. Please feel free to contact me or Ms. Honor Barker, KDVA HR Manager, at (502) 564-9203 with any questions. Thank you for your continued support of Kentucky's veterans and Veterans Affairs.

Sincerely,



Ken Lucas

Commissioner, KDVA

Approved:



Nikki R. Jackson, Secretary  
Kentucky Personnel Cabinet